

## **GOVERNMENT OF ANDHRA PRADESH**

### **ABSTRACT**

Social Welfare – Cancellation of Scheduled Caste Certificate issued by the District Collector - Appeal Petition filed by Kumari G.Swetha Rao, D/o. Babu Rao, Sri. Potti Sreeramulu Nellore District against the Proceedings of the District Collector, SPS Nellore dated: 28-03-2009 – Appeal rejected – Orders Issued.

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### **SOCIAL WELFARE (C.V-1) DEPARTMENT**

G.O.Ms.No: 20

Dated: 24-02-2010.  
Read the following:

1. The Commissioner of Social Welfare, A.P., Hyderabad, Letter No.R.C.R1/8697/2008, Dated: 19-09-2008.
2. Proceedings of the District Collector, Nellore in R.C.C5 (M) 1719/2008, Dated; 28-03-09.
3. Appeal Petition from Kum. G. Swetha Rao, D/o. G. Babu Rao, Sri. Potti Sriramulu Nellore District, dt: 28-04-09.
4. Govt. Memo. No.4698/CV-1/09-1, S.W (C.V-I) Dept., Dated: 30 -05-09
5. The District Collector, Sri Potti Sriramulu Nellore, letter R.C.C5 (M)1071/2009, Dated: 02-07-2009.
6. Govt.Letter No.4698/CV-I/09-8, S.W.Dept., dated; 05-01-2010.

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In the letter 1<sup>st</sup> read above, the Commissioner of Social Welfare, A.P., Hyderabad has directed the District Collector, SPS Nellore to cancel the Budaga Jangam (SC) Certificate issued to Kumari G.Swetha Rao, as the benefit is restricted to Telangana region only, as per the Government of India Act No- 61 of 2002.

2. As per the directions of the Commissioner of Social Welfare, the District Collector, SPS Nellore has placed the matter before DLSC and in the light of the findings of the DLSC and after following due procedure he has issued proceedings vide reference 2<sup>nd</sup> read above, canceling the Scheduled Caste (Beda/Budaga Jangam) Certificate issued to Kumari G.Swetha Rao.

3. Aggrieved by the Proceedings of the District Collector, Kumari G.Swetha Rao has filed an appeal petition vide reference 3<sup>rd</sup> read above before the Government u/s 7 (2) of The A.P (SCs, STs & BCs) Regulation of Issue of Community Certificates Act No.16 of 1993 and rules made there under and submitted the following grounds in support of her claim.

- I. The Proceedings of the District Collector, herein in canceling the caste Certificate that has been issued in her favor is contrary to law, weight of evidence and probabilities of the case.
- II. The Respondents (The District Collector and DLSC) have taken into Consideration the letter of Commissioner for Social Welfare wherein it was recommended for cancellation of the caste certificate that has been issued and the respondents are swayed away by the instructions that have been issued. The enquiry that has been conducted by the 2<sup>nd</sup> respondent is only to comply with the provisions of law is a make believe affair.
- III. The procedure that has been contemplated was not followed nor was the Appellant given sufficient opportunity to put forth her claim and non-consideration into the relevant material. Hence, the order that has been passed by the District Collector has to be set aside.

[Contd.....]

- IV. It is submitted that the Appellant belongs to “Budaga Jangam” and the customs which are prevalent in respect of the said caste are still being followed by the relatives of the Appellant herein.
- V. In any view, the reasoning of the 1<sup>st</sup> respondent i.e., (the District Collector, SPS Nellore) in canceling the certificate that has been issued and in passing the impugned order is not legal and correct.
- VI. The appellant craves leave of this Hon’ble Minister to raise additional grounds at the time of hearing of her appeal.

4. The Government have admitted the appeal petition and requested the District Collector, SPS Nellore vide reference 4<sup>th</sup> read above to furnish parawise remarks and connected records on the said appeal petition .

5. The District Collector, SPS Nellore vide reference 5<sup>th</sup> read above, has furnished parawise remarks and Connected records on the appeal petition, which are as follows:

a. The District Collector, SPS Nellore District has reported that according to Government of India Act No 61 of 2002 dated: 08-12-2002 which was published in A.P. Gazette on 02-10-2003, G.O.Ms.No.144, SW (CV-1) Dept., dated: 17-07-2008 and instructions issued by the Commissioner of Social Welfare, Hyderabad, vide Lr.No.R1.8697/2008, dated: 11-09-2008, the Budaga Jangam (Scheduled Caste) people are existing in erstwhile Telangana area only. The Commissioner of Social Welfare, has informed in his letter, dated: 19-09-2008 to the District Collector, Nellore to cancel the Budaga Jangam caste certificates issued subsequent to the Notification, issued vide A.P. Gazette, dated: 02-10-2003.

b. On verification of school records vide TC No. 43794, with Admn.No.749/1994-95 of Kiran English Medium School, S.V.Nagar, Tirupathi, pertaining to Kumari G.Swetha Rao, it is clearly mentioned that she belongs to Jangama (BC-A) caste. The individual has intentionally tried to enjoy the benefits meant for Scheduled Castes by illegal means and played fraud and obtained the Scheduled caste certificate fraudulently from the then Revenue Divisional Officer, Nellore to the extent that she belongs to Budaga Jangam (SC) Community. Hence, the District Level Scrutiny Committee, Nellore has recommended to issue orders for cancellation of Budaga Jangama (SC) Certificate issued to the present appellant by the then Revenue Divisional Officer, Nellore vide Certificate No. R.Dis.No.3572/2006, dated: 19-09-2006 and to initiate action against the individual under rule 15 of A.P (SCs,STs & BCs) Regulation of Issue of Community Nativity And Date of Birth Certificate Rules, 1997.

c) The District Level Scrutiny Committee, Nellore has gone through the material available on record, and observed that the appellant’s father could not establish or prove that he and his daughter belongs to Budaga Jangam (SC) Caste, except showing the certificate issued by the Revenue Divisional Officer, Nellore. He did not know the customs and traditions of Budaga Jangam community. In the school records of the appellant, it was clearly mentioned that she belongs to Jangam (BC-A) Caste.

d) The District Collector, SPS Nellore has reported that, in exercise of powers conferred under rule 9 (7) of A.P (SCs,STs&BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, and under section 5 (1) of A.P (SCs,STs & BCs) Regulation of Issue of Community Certificates Act No.16 of 1993, proceedings have been issued by the District Collector vide Rc.C5 (M) 1719/2008, to cancel Budaga Jangama (SC) Caste Certificates issued by the then Revenue Divisional Officer, Nellore in R.Dis.No.3572/2006, dated: 19-09-2006.

6. The case was taken up for hearing on 18-01-2010, the appellant's counsel was present.

7. After examination of the proceedings of the District Collector, SPS Nellore, and material available with the Government, it is observed that, Kumari G.Swetha Rao does not belong to Beda/Budaga Jangam (Scheduled Caste) Community.

8. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Kumari G.Swetha Rao, D/o Babu Rao does not deserve interference. Hence, Proceedings of the District Collector, SPS Nellore District, issued vide Rc.C5 (M) /1719/2008, dated: 28-03-2009 are upheld and the appeal of Kum. G.Swetha Rao, D/o.G. Babu Rao is hereby rejected.

9. The District Collector, SPS Nellore is requested to take further necessary action in the matter accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**V.NAGI REDDY  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The District Collector,  
SPS Nellore District at Nellore.  
(With original records)

Kum. G. Swetha Rao, D/o. G. Babu Rao,  
R/o. 11-56/2, S.V. Nagar, Thirupathi,  
Chittoor District.

Sri. A. Jaya Raju, Advocate,  
398/3RT, Sanjeeva Reddy Nagar,  
Hyderabad-500038.

**Copy to:**

The Registrar,  
NTR Health University, Vijayawada.

The Commissioner of Social Welfare, A.P., Hyderabad.

The P.S. to M (SW)  
The P.S. to Principal Secretary (SW)  
SF/SC

// Forwarded: By Order //

**SECTION OFFICER**